



Epw

hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 27, 2006

Signature: *Michael J. Doherty*

(Michael J. Doherty)

Docket No.: SPINE 3.0-437
CIPCIPCIPCIPCIPCIPCON III
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/784,598

Group Art Unit: 3738

Filed: February 23, 2004

Examiner: Not Yet
Assigned

For: INSTRUMENTATION FOR
REPOSITIONING AND EXTRACTING AN
ARTIFICIAL INTERVERTEBRAL
DISC FROM AN INTERVERTEBRAL SPACE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each non-US reference is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: April 27, 2006

Respectfully submitted,

By *Michael J. Doherty*

Michael J. Doherty
Registration No.: 40,592
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

LD-458\



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449A/B/PTO</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>				Complete if Known	
				Application Number	10/784,598-Conf. #8307
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	Not Yet Assigned
Sheet	1	of	5	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON III

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA*	US-2,193,122	03/1940	CRABBS	
	AB*	US-2001/0007073	07-05-2001	Zucherman, et al.	
	AC*	US-2001/0012938	08-09-2001	Zuckerman et al.	
	AD*	US-2001/0016773-A1	08-23-2001	Serhan et al.	
	AE*	US-2001/0020170-A1	09-06-2001	Zucherman et al.	
	AF*	US-2001/0039452-A1	11-08-2001	Zucherman et al.	
	AG*	US-20010010001-A1	04-29-2003	Michelson	
	AH*	US-2002/0045904-A1	04-18-2002	Fuss et al.	
	AI*	US-2002/0062131-A1	05-23-2002	Gallo, Sr.	
	AJ*	US-2002/0082695-A1	06-27-2002	Neumann	
	AK*	US-2002/0082695	06-27-2002	Neumann	
	AL*	US-2002/0099377	07-25-2002	Zucherman, et al.	
	AM*	US-2002/0111679-A1	08-15-2002	Zucherman et al.	
	AN*	US-2002/0111681-A1	08-15-2002	Ralph et al.	
	AO*	US-2002/0111682-A1	08-15-2002	Ralph et al.	
	AP*	US-2002/0111684	08-15-2002	Ralph, et al.	
	AQ*	US-2002/0111685-A1	08-15-2002	Ralph et al.	
	AR*	US-2002/0128714-A1	09-12-2002	Manasas et al.	
	AS*	US-2002/0161375-A1	10-31-2002	Ralph et al.	
	AT*	US-20020188295-A1	12-23-2003	Martz et al.	
	AU*	US-2003/0014057-A1	01-16-2003	Ralph et al.	
	AV*	US-2003/0014109-A1	01-16-2003	Ralph et al.	
	AW*	US-2003/0014110-A1	01-16-2003	Ralph et al.	
	AX*	US-2003/0014112-A1	01-16-2003	Ralph et al.	
	AY*	US-2003/0014113-A1	01-16-2003	Ralph et al.	
	AZ*	US-2003/0014114-A1	01-16-2003	Ralph et al.	
	AA1*	US-2003/0014115-A1	01-16-2003	Ralph et al.	
	AB1*	US-2003/0014116-A1	01-16-2003	Ralph et al.	
	AC1*	US-2003/0023245-A1	01-30-2003	Ralph et al.	
	AD1*	US-2003/0023309-A1	01-30-2003	Ralph et al.	
	AE1*	US-2003/0023310-A1	01-30-2003	Ralph et al.	
	AF1*	US-2003/0028197-A1	02-06-2003	Hanson et al.	
	AG1*	US-2003/0028249-A1	02-06-2003	Bacelli et al.	
	AH1*	US-2003/0028252-A1	02-06-2003	Ralph et al.	
	AI1*	US-2003/0040801-A1	02-27-2003	Ralph et al.	
	AJ1*	US-2003/0055503-A1	03-20-2003	O'Neil	
	AK1*	US-2003/0060886-A1	03-27-2003	Van Hoeck et al.	
	AL1*	US-2003/0065395-A1	04-03-2003	Ralph et al.	
	AM1*	US-2003/0069586-A1	04-10-2003	Errico et al.	
	AN1*	US-2003/0069642-A1	04-10-2003	Ralph et al.	
	AO1*	US-2003/0074067-A1	04-17-2003	Errico et al.	
	AP1*	US-2003/0078666-A1	04-24-2003	Ralph et al.	
	AQ1*	US-2003/0083747	05-01-2003	Winterbottom, et al.	
	AR1*	US-2003/0100951-A1	05-29-2003	Serhan et al.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/784,598-Conf. #8307
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	Not Yet Assigned
Sheet	2	of	5	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON III

AS1*	US-2003/0109928	06-12-2003	Pasquet, et al.	
AT1*	US-2003/0125748	07-03-2003	Li, et al.	
AU1*	US-2003/0135278-A1	07-17-2003	Eckman	
AV1*	US-2003/0149438-A1	08-07-2003	Nichols et al.	
AW1*	US-2003/0149482-A1	08-07-2003	Michelson	
AX1*	US-2003/0187508	10-02-2003	Cauthen	
AY1*	US-2003/0191534-A1	10-09-2003	Viat et al.	
AZ1*	US-2003/0199981	10-23-2003	Ferree	
AA2*	US-2003/0204260-A1	10-30-2003	Ferree	
AB2*	US-2003/0208271-A1	11-06-2003	Kuras	
AC2*	US-2003/0216744-A1	11-20-2003	Longhini et al.	
AD2*	US-2003/0216810-A1	11-20-2003	Ralph et al.	
AE2*	US-2003/0225408-A1	12-04-2003	Nichols et al.	
AF2*	US-2003/0225416	12-04-2003	Bonvallet, et al.	
AG2*	US-2003/0229358-A1	12-11-2003	Errico et al.	
AH2*	US-2003/0233097-A1	12-18-2003	Ferree	
AI2*	US-2003/0233148-A1	12-18-2003	Ferree	
AJ2*	US-2004/0002759-A1	01-01-2004	Ferree	
AK2*	US-2004/0002762-A1	01-01-2004	Hawkins	
AL2*	US-2004/0002762	01-01-2004	Hawkins	
AM2*	US-2004/0010316-A1	01-15-2004	William	
AN2*	US-2004/0024406-A1	02-05-2004	Ralph et al.	
AO2*	US-2004/0024407-A1	02-05-2004	Ralph et al.	
AP2*	US-2004/0030387-A1	02-12-2004	Landry et al.	
AQ2*	US-2004/0030389-A1	02-12-2004	Ferree	
AR2*	US-2004/0030390-A1	02-12-2004	Ferree	
AS2*	US-2004/0034426-A1	02-19-2004	Errico et al.	
AT2*	US-2004/0078079-A1	04-22-2004	Foley	
AU2*	US-3,867,728	02-25-1975	Stubstad et al.	
AV2*	US-4,309,777	01-12-1982	Patil	
AW2*	US-4,566,466	01-28-1986	Ripple et al.	
AX2*	US-4,605,417	08-12-1986	Fleischauer	
AY2*	US-4,759,766	07-26-1988	Buettner-Janz et al.	
AZ2*	US-4,759,769	07-26-1988	Hedman et al.	
AA3*	US-4,932,969	06-12-1990	Frey et al.	
AB3*	US-4,997,432	03-05-1991	Keller	
AC3*	US-5,034,254	07/1991	COLOGNA et al.	
AD3*	US-5,112,178	05-12-1992	Overhues et al.	
AE3*	US-5,122,130	06-16-1992	Keller	
AF3*	US-5,236,460	08-17-1993	Barber	
AG3*	US-5,258,031	11-02-1993	Salib, et al.	
AH3*	US-5,306,308	04-26-1994	Gross et al.	
AI3*	US-5,314,477	05-24-1994	Marnay	
AJ3*	US-5,370,697	12-06-1994	Baumgartner	
AK3*	US-5,401,269	03-28-1995	Buttner-Janz et al.	
AL3*	US-5,425,773	06-20-1995	Boyd et al.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/784,598-Conf. #8307
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	Not Yet Assigned
Sheet	3	of	5	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON III

	AM3*	US-5,458,642	10-17-1995	BEER et al.	
	AN3*	US-5,507,816	04-16-1996	Bullivant	
	AO3*	US-5,548,642	10-17-1995	Beer et al.	
	AP3*	US-5,556,431	09-17-1996	Buttner-Janz	
	AQ3*	US-5,562,738	10-08-1996	Boyd et al.	
	AR3*	US-5,674,296	10-07-1997	BRYAN et al.	
	AS3*	US-5,676,701	10-14-1997	Yuan et al.	
	AT3*	US-5,676,702	10-14-1997	RATRON	
	AU3*	US-5,683,464	11-04-1997	Wagner et al.	
	AV3*	US-5,683,465	11-04-1997	Shinn et al.	
	AW3*	US-5,720,751	02-24-1998	Jackson	
	AX3*	US-5,755,796	05-26-1998	IBO et al.	
	AY3*	US-5,782,830	07-21-1998	Farris	
	AZ3*	US-5,782,832	07-21-1998	Larsen et al.	
	AA4*	US-5,827,328	10-27-1998	BUTTERMAN	
	AB4*	US-5,860,990	01-19-1999	Nobles et al.	
	AC4*	US-5,865,846	02-02-1999	BRYAN et al.	
	AD4*	US-5,888,226	03-30-1999	ROGOZINSKI	
	AE4*	US-5,893,889	04-13-1999	Harrington	
	AF4*	US-5,895,428	04-20-1999	Berry	
	AG4*	US-5,899,941	05-04-1999	Nishijima et al.	
	AH4*	US-5,926,685	07-20-1999	Krebs et al.	
	AI4*	US-5,983,889	11-16-1999	Thomas	
	AJ4*	US-5,989,291	11-23-1999	Ralph et al.	
	AK4*	US-5,989,294	11-23-1999	Marlow, Aaron L.	
	AL4*	US-6,001,030	12-14-1999	BRYAN et al.	
	AM4*	US-6,001,130	12-14-1999	Bryan et al.	
	AN4*	US-6,019,792	02-01-2000	CAUTHEN	
	AO4*	US-6,039,763	03-21-2000	Shelokov	
	AP4*	US-6,050,999	04-18-2000	Paraschac et al.	
	AQ4*	US-6,063,121	05-16-2000	XAVIER et al.	
	AR4*	US-6,066,174	05-23-2000	Farris	
	AS4*	US-6,113,602	09-05-2000	Sand	
	AT4*	US-6,113,637	09-05-2000	GILL et al.	
	AU4*	US-6,113,639	09-05-2000	Ray et al.	
	AV4*	US-6,136,031	10-24-2000	MIDDLETON	
	AW4*	US-6,146,421	11-14-2000	Gordon et al.	
	AX4*	US-6,156,067	12-05-2000	BRYAN et al.	
	AY4*	US-6,159,215	12-12-2000	Urbahns et al.	
	AZ4*	US-6,159,215	12-12-2000	Urbahns, et al.	
	AA5*	US-6,174,311	01-16-2001	Branch et al.	
	AB5*	US-6,179,874	01-30-2001	CAUTHEN	
	AC5*	US-6,224,607	05-01-2001	Michelson	
	AD5*	US-6,228,023	05-08-2001	Zaslavsky et al.	
	AE5*	US-6,228,118	05-08-2001	GORDON	
	AF5*	US-6,241,732	06-05-2001	Overaker et al.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/784,598-Conf. #8307
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	Not Yet Assigned
Sheet	4	of	5	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON III

	AG5*	US-6,280,458	08-28-2001	Boche, et al.	
	AH5*	US-6,319,257	11-20-2001	Carignan et al.	
	AI5*	US-6,368,350	04-09-2002	Erickson et al.	
	AJ5*	US-6,375,682	04-23-2002	Fleischmann et al.	
	AK5*	US-6,416,551	07-09-2002	Keller	
	AL5*	US-6,428,544	08-06-2002	Ralph et al.	
	AM5*	US-6,436,102	08-20-2002	Ralph et al.	
	AN5*	US-6,471,725	10-29-2002	Ralph et al.	
	AO5*	US-6,478,796	11-12-2002	Zucherman et al.	
	AP5*	US-6,478,800	11-12-2002	Fraser et al.	
	AQ5*	US-6,478,801	11-12-2002	Ralph et al.	
	AR5*	US-6,517,580	02-11-2003	Ramadan et al.	
	AS5*	US-6,527,786	03-04-2003	Davis et al.	
	AT5*	US-6,527,804	03-04-2003	Gauchet et al.	
	AU5*	US-6,554,864	04-29-2003	Ralph et al.	
	AV5*	US-6,562,047	05-13-2003	Ralph et al.	
	AW5*	US-6,579,320	06-17-2003	Gauchet et al.	
	AX5*	US-6,582,466	06-24-2003	Gauchet	
	AY5*	US-6,582,468	06-24-2003	Gauchet	
	AZ5*	US-6,592,624	07-15-2003	Fraser et al.	
	AA6*	US-6,607,559-A1	08-19-2003	Ralph et al.	
	AB6*	US-6,610,092-A1	08-26-2003	Ralph et al.	
	AC6*	US-6,610,093	08-26-2003	Pisharodi	
	AD6*	US-6,623,525	09-23-2003	Ralph et al.	
	AE6*	US-6,641,614	11-04-2003	Wagner et al.	
	AF6*	US-6,645,249	11-11-2003	Ralph et al.	
	AG6*	US-6,652,233	11-25-2003	Otake	
	AH6*	US-6,652,533-A1	03-20-2003	O'Neil	
	AI6*	US-6,669,699	12-30-2003	Ralph et al.	
	AJ6*	US-6,669,732	12-30-2003	Serhan, et al.	
	AK6*	US-6,673,113	01-06-2004	Ralph et al.	
	AL6*	US-6,682,562	01-27-2004	Viant et al.	
	AM6*	US-6,692,495	02-17-2004	Zacouto	
	AN6*	US-6,706,068	03-16-2004	Ferree	
	AO6*	US-6,716,245	04-06-2004	Pasquet, et al.	
	AP6*	US-6,827,743-A1	12-07-2004	Eisermann et al.	
	AQ6*	US-6,863,689-B2	03-08-2005	Ralph et al.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/784,598-Conf. #8307
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	Not Yet Assigned
Sheet	5	of	5	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON III

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-97/10776-A2	03/1997	LIMBER LTD		
	BB	WO-03/084449-A1	10-16-2003	COOL BRACE		
	BC	FR-2 718 635-A1	04-15-1994	AXCYL MEDICAL		
	BD	EP-0 392 076-A1	10-17-1990	ACROMED CORP		
	BE	WO-94/04100	03-03/1994	SOFAMOR		
	BF	DE-199 03 763	08-17-2000	AESCLAP AG & CO KG		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--